

Assembly Bill No. 2097

Passed the Assembly May 19, 2016

Chief Clerk of the Assembly

Passed the Senate August 11, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 56601 of, and to add Section 49076.7 to, the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2097, Melendez. Pupil records: social security numbers.

Existing law authorizes the Superintendent of Public Instruction, in order to assist the state in evaluating the effectiveness of special education programs, including transition and work experience programs, to collect and utilize social security numbers of individuals with exceptional needs as pupil identification numbers beginning in the 1993–94 fiscal year and phased in over a 2-year period. In a situation where a social security number is not available, existing law requires the Superintendent to assign another pupil identification number for purposes of evaluating special education programs and related services.

This bill would repeal that authorization and would instead require the Superintendent, commencing with the 2017–18 fiscal year and phased in over a 2-year period, to assign a pupil identification number to individuals with exceptional needs for purposes of evaluating special education programs and related services. The bill would prohibit school districts, county offices of education, and charter schools from collecting or soliciting social security numbers or the last 4 digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law, and would authorize the State Department of Education to additionally prohibit the collection and solicitation of other personally identifiable information, as recommended by the Superintendent and approved by the State Board of Education.

The people of the State of California do enact as follows:

SECTION 1. Section 49076.7 is added to the Education Code, to read:

49076.7. (a) The Legislature finds and declares both of the following:

(1) Pupil data privacy is a priority because pupils are at risk for identity theft when providing their social security numbers.

(2) A technical brief titled “Data Stewardship: Managing Personally Identifiable Information in Electronic Student Education Records” published by the United States Department of Education states that social security numbers are the single most misused piece of information by criminals perpetrating identity thefts.

(b) A school district, county office of education, or charter school shall not collect or solicit social security numbers or the last four digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law.

(c) The department may additionally prohibit the collection and solicitation of other personally identifiable information, as recommended by the Superintendent and approved by the state board.

SEC. 2. Section 56601 of the Education Code is amended to read:

56601. (a) Each special education local plan area shall submit to the Superintendent at least annually information, in a form and manner prescribed by the Superintendent and developed in consultation with the special education local plan areas, in order for the Superintendent to carry out the evaluation responsibilities pursuant to Section 56602. This information shall include other statistical data, program information, and fiscal information that the Superintendent may require. The Superintendent shall use this information to answer questions from the Legislature and other state and federal agencies on program, policy, and fiscal issues of statewide interest.

(b) In order to assist the state in evaluating the effectiveness of special education programs, including transition and work experience programs, the Superintendent shall, commencing with the 2017–18 fiscal year and phased in over a two-year period, assign a student identification number to individuals with exceptional needs for purposes of evaluating special education programs and related services. The Superintendent shall not disclose personally identifiable, individual pupil records to any person, institution, agency, or organization except as authorized by Section 1232g of Title 20 of the United States Code and Part 99 of Title 34 of the Code of Federal Regulations.

Approved _____, 2016

Governor